

FARMINGTON CITY COUNCIL MEETING

Tuesday, January 16, 2007

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Larry W. Haugen, Paula A. Alder, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, and Recording Secretary Jill Hedberg.

Mayor Harbertson began discussion at 6:00 P.M. The following items were reviewed:

Agenda Item #6 - Recommendation for Street Lighting in Tuscany Cove Subdivision

Mayor Harbertson stated that according to the neighborhood survey that was conducted by City staff, the majority of the residents in the Tuscany Cove Subdivision are in favor of having the Town and Country decorative lights installed in their area. He referred to the street light placement map which was included in the City Council packet. He indicated that the owner of Lot 15 is opposed to the light being installed near his home.

Sid Young suggested that the City only install five poles rather than eight poles. He pointed out where the five poles could be located. Eliminating three of the poles would eliminate a light on Lot 16 and would also reduce the cost to the City.

Max Forbush explained that the City will be charged approximately \$10 per month if the Town and Country lights are installed. The cost will be approximately \$5 per month if the Granville lights are installed. The City is not charged a capital charge for the installation of the "Town & Country" lights.

David Hale said from a public safety point of view, all of the lights should be installed.

Max Forbush pointed out that according to the "citizen survey" that was conducted by the City a few months ago, the residents are in favor of the City installing additional street lighting.

Agenda Item #7: Consideration of Culinary Water Connection as requested by Jerod and Sharon Jeppson

Mayor Harbertson reviewed the letter that the City received from Jerod and Sharon Jeppson requesting that they be allowed to connect to the City's water line to provide service for one residential building lot. **Mayor Harbertson** also reviewed the response letter that was drafted by the City Manager requesting that the Jeppsons provide the City with additional information.

Agenda Item #8: Staff Request for Authorization to hire Rosenthal & Associates to update Impact Fee Analysis & Capital Facilities Plans

According to packet material, the total fee is near \$40,000. Although this is significant; these costs can be recovered by impact fees. Our City Attorneys and other have advised the City that it should keep its impact fees analysis and Capital Facilities Plan up to date. Most of the impact fees charged by the City have not been reviewed for a number of years. The street impact fee does need to be reworked in light of the Station Park development and other housing developments in the northwest area of the City.

After reviewing a copy of the Farmington City Impact Fee Analysis Capital Facilities Plan Proposal (January 2007) that was passed out by the City Manager, **Mayor Harbertson** stated that the City is considering having the impact fee analysis & Capital Facilities Plan performed for the City's storm water impact fee, park and recreation impact fee, police capital facilities, fire capital facilities and an update on the streets impact fees and Capital Facilities Plan. The cost of the work is approximately \$40,000 which averages approximately \$8,000 per fee.

Max Forbush reviewed the "General Information" that was included in the City Council packet. City staff recommends that the Impact Fee Analysis and Capital Facilities Plan be updated by Rosenthal & Associates which would take up to a minimum of six months.

Agenda Item #9: Request to Amend Personnel Policies & Procedures Pertaining to Nepotism Section as it Relates to Seasonal Employees - Viola Kinney

Mayor Harbertson explained that the City Manager received a letter from Viola Kinney who recommended that the employee policy manual be amended concerning seasonal employees and nepotism. He reviewed the recommendations that were given by Ms. Kinney. He and the City Manager recommend that Paragraph C (3) of the nepotism section of the City's Personnel Policies be amended to read: "When the relative will be employed for a period of twenty (20) weeks or less; or...". Currently, relatives of employees (seasonal) may work up to 16 weeks in any one year.

Max Forbush said if the Council conceptually agrees to approve the amendments, the City Attorney will draft the necessary resolutions.

Rick Dutson recommended that youth employees report to a superior other than their parent.

The City Council discussed the issue and agreed that extending the period of time for the "temporary employee" category should be established.

Agenda Item #10: Filling of UDOT Enhancement Grant(s)

Mayor Harbertson said there are four enhance grant projects previously listed for pending application to be considered, but the City Manager recommends that the City only apply for one of those grants, which could increase the likelihood of the grant being obtained. It is expensive if the City Engineer prepares the applications. By the City only applying for one, it would also save the

City \$12,000 in application fees. The City Manager is recommending the priority project for Farmington be the trail connecting from Rose Cove Apartments norther westerly to Set Court in the Oakridge area.

Agenda Item #11: Minute Motion Approving Summary Action List

Mayor Harbertson reviewed the items that were included on the Summary Action List. The City Manager said the additional engineering services fees (\$2,701) for change order services for 1100 West/Clark Lane/Park Lane signalization project are justified.

Agenda Item #12: Amendment No. 1 - “The Steed Place” Development Agreement - 1st Reading

The City Council reviewed a “draft” of Amendment No. 1 - “The Steed Place” Development Agreement prepared by David Petersen and made suggestions to improve the readability of the agreement.

Mayor Harbertson indicated that the Steed home will likely be demolished on January 19, 2007.

Max Forbush reported that the developer agreed to pay up to \$2,000 to the City’s structural engineer for analyzing the Steed home. The actual cost of the analysis was \$1,300.

Agenda Item #13: Proposed Amendments to Title 3, Farmington City Ordinances

The City Council reviewed and discussed the proposed amendments to Title 3, Farmington City Ordinances. The following suggestions were made as the discussion centered around volunteer committees:

- The City Council should continue attending the committee meetings as a liaison for the Council.
- The City Council/City staff should be aware of the committee member terms that are about to expire.
- It would be beneficial for the Chair of the different committees to report to the Council during a time or two each year.

The City Council agreed to discuss the prioritization of the historic homes at the Strategic Planning meeting.

Sid Young and **Max Forbush** agreed to attend the League of Cities and Towns Legislative Police committee meeting.

The meeting adjourned at 6:55 P.M.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Larry W. Haugen, Paula A. Alder, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, City Recorder Margy Lomax, and Recording Secretary Jill Hedberg.

Mayor Harbertson called the meeting to order at 7:00 P.M. **Larry Haugen** offered the invocation. The Pledge of Allegiance was led by **Sid Young**.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Rick Dutson moved to approve the minutes of the Joint City Council/RDA Work Session for the regular City Council meeting which was held on January 2, 2007. **Paula Alder** seconded the motion. The voting was unanimous in the affirmative.

David Hale moved to approve the minutes of the January 2, 2007, City Council Meeting. **Larry Haugen** seconded the motion with changes as noted. The voting was unanimous in the affirmative.

Sid Young moved to approve the minutes of the December 29, 2006, Special City Council Meeting. **Rick Dutson** seconded the motion. The voting was unanimous in the affirmative. **Paula Alder** abstained since she was not present at the December 29, 2006, meeting.

David Hale moved to approve the minutes of the January 4, 2007, Special City Council Meeting. **Larry Haugen** seconded the motion. The voting was unanimous in the affirmative.

INTRODUCTION & PRESENTATION BY JENNIFER SMITH, MISS FARMINGTON (Agenda Item #3)

Mayor Harbertson introduced the new Miss Farmington, **Jennifer Smith**.

Miss Farmington, **Jennifer Smith**, stated that her platform is to promote awareness and early detection of cancer with the American Cancer Society. She stated that she will serve as the Chair for the "Relay for Life" event in Farmington. **Rick Dutson** will serve as her Co-Chair.

PRESENTATION OF PLAQUE TO DAVID F. WHITE FOR SERVICE TO THE CITY (Agenda Item #4)

Mayor Harbertson, Max Forbush and **Walt Hokansen** presented a plaque and other gifts to **David F. White** for his 27 years of service as the City's Water Superintendent and for his 5 years of service as the volunteer Fire Chief. He was acknowledged for his dedicated and faithful service

during his many years with the City. Mayor Harbertson, Walt Hokanson and Max Forbush each took a few minutes to pay special tribute. David White gave a response. His family and many co-workers from Public Works were present.

REPORT OF PLANNING COMMISSION (Agenda Item #5)

Jim Talbot reported proceedings of the Planning Commission meeting held January 11, 2007. He covered the following items:

- The Planning Commission recommended that the street name “175 West” be changed to “Bayview Circle”, as requested by Carl Jensen.
- The Planning Commission recommended that the City Council rezone approximately 10 acres located at 48 West 600 North from OTR-F, and A-F to LR-F and a recommendation for schematic plan approval for a proposed planned unit development related thereto.
- The Planning Commission denied Trophy Homes’ request to amend the General Plan by re-designating approximately 21.43 acres of property located at the southwest corner of State Street and 650 West (east of Farmington Creek and west of 650 West) from “Rural Residential Density” to “Medium Density Residential”, to rezone the same property from A to R-4, and schematic plan approval for a proposed planned unit development consisting of 95 lots related thereto.
- The Planning Commission recommended Preliminary PUD Master Plan approval for a development known as the Cottages at Station Park consisting of 414 dwelling units on 98.56 acres located west of I-15 and 1525 West Street, south of Shepard Lane, east of the UTA railroad tracks, and north of Burke Lane in the R-4 and LR zones. The Planning Commission strongly recommends that the City Council work with the developer and UDOT to ensure that the property that is being preserved for the Legacy corridor is maintained.

RECOMMENDATION FOR STREET LIGHTING IN TUSCANY COVE SUBDIVISION (Agenda Item #6)

Mayor Harbertson reviewed the issues that were discussed during the City Council work session. The City Manager sent a letter to the owner of Lot 15 stating that if the property owners across the street agree to the light being relocated near their property and if the owner of Lot 15 agrees to pay the \$900 to run the utilities across the street, the City is not opposed to the light being relocated.

Motion

Rick Dutson moved that the City Council direct the City Manager to have seven Town & Country decorative lights installed in Tuscan Cove Subdivision as proposed. **Sid Young** seconded the motion, which passed by unanimous vote.

CONSIDERATION OF CULINARY WATER CONNECTION AS REQUESTED BY JEROD AND SHARON JEPPSON (Agenda Item #7)

Mayor Harbertson reviewed the applicant's request to have a hook up to the Farmington City water to accommodate one building lot.

Max Forbush read the letter which he drafted to the Jeppsons, including the adjustments recommended by Mayor Harbertson. He explained that there are other residential homeowners in the area who were able to connect to the City's water when the water lines were placed in the area to provide fire protection. The difference between Mr. Jeppson's request now is for the development of a new lot. Connections to the existing homes was done so for fire protection reasons.

Motion

David Hale moved that the City Council authorize the mailing of a letter to Mr. and Mrs. Jeppson drafted by the City Manager, as amended by the Mayor. **Rick Dutson** seconded the motion, which passed by unanimous vote.

STAFF REQUEST FOR AUTHORIZATION TO HIRE ROSENTHAL & ASSOCIATES TO UPDATE IMPACT FEE ANALYSIS & CAPITAL FACILITIES PLAN (Agenda Item #8)

According to packet information, the City Attorneys and others have advised the City that it should keep up with its impact fees analysis and Capital Facilities plans. Most of these impact fees analysis and impact fee plans have not been done for a number of years. The street impact fee does need to be reworked in light of the Station Park residential development and other developments in the northwest area of the City.

Mayor Harbertson reviewed the packet information and the Farmington City Impact Fee Analysis/Capital Facilities Plan Proposal that was given to the Council during the work session.

Motion

Sid Young moved that the City Council authorize City staff to move forward in working with Mr. Rosenthal to conduct an impact fee analysis and Capital Facilities Plan for the City's storm water impact fee, park & recreation impact fee, police capital facilities, fire capital facilities, and an update on the streets impact fees and Capital Facilities Plan and authorize City staff to include the cost of these services in an amended budget to be divided up and paid for by those funds that pertain to the impact fees. **Larry Haugen** seconded the motion.

Rick Dutson pointed out that the \$40,000 that will be spent for the analysis will be recouped over time as part of the impact fee.

The motion passed by unanimous vote.

REQUEST TO AMEND PERSONNEL POLICIES & PROCEDURES PERTAINING TO NEPOTISM SECTION AS IT RELATES TO SEASONAL EMPLOYEES - VIOLA KINNEY (Agenda Item #9)

According to packet information, **Viola McKinney** recommends that the employee policy manual be amended concerning the hiring of seasonal employees who may be related to other City employees or officials. The reason she was recommending a change is because it is difficult to find a sufficient number of seasonal employees to help in the Leisure Services Department.

The City Council reviewed the amendments. They conceptually agreed to the changes so long as Paragraph C(3) is expanded and the word “temporary” is not struck from 12.030(a) Nepotism, and so long as the amendments are drafted by the City Attorney and later reviewed by the City Council.

FILING OF UDOT ENHANCEMENT GRANT(S) (Agenda Item #10)

According to packet information, it is the City Manager’s opinion that the cost of filing these applications is high if the City Engineer does the preparation work. It would be better to apply for only one of the four projects given the large number of applications that have already been filed with UDOT. It would be very rare if one City would be funded more than one project anyway. The City Engineer has committed to paying for 50% of the cost of application (about \$2,000).

The City Manager is recommending the priority project for Farmington be the trail connecting from Rose Cove Apartments northwesterly to Set Court.

Two of the other applications pertain to Station Park improvements, which the City Manager believes are covered by the Development Agreement and Agreement for the Development of Land with CenterCal

The fourth application pertains to matching costs for a trail on the Denver & Rio Grande Railroad right-of-way. That particular application is not “ripe” at the present time. Hence, that is the reason why the City Manager is recommending the Oakridge Trail as the City’s priority.

Mayor Harbertson reviewed the packet information and pointed out that the City will save \$12,000 in application fees if they only apply for one grant.

Motion

David Hale moved that the City Council authorize the City to spend up to \$4,000 (\$2,000 to be paid by CRS) from Fund 42, Parks Capital Facilities Budget, for filing an application for trail

enhancements in the Oakridge area connecting from Rose Cove Apartments, running thence northwesterly to Set Court. **Rick Dutson** seconded the motion, which passed by unanimous vote.

MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #11)

Rick Dutson moved that the City Council approve the following items by consent as follows:

- 11-1. Ratification of Approvals of Construction Bond Agreements previously signed by Mayor Harbertson.
- 11-2. Approval of additional engineering services fees (\$2,701) for 1100 West/Clark Lane/Park Lane Signalization Project. The City Manager recommends approval of this request. The justification of the extra cost is true and should be paid.

Paula Alder seconded the motion, which passed by unanimous vote.

AMENDMENT NO. 1 - "THE STEED PLACE" DEVELOPMENT AGREEMENT - 1ST READING (Agenda Item #12)

Mayor Harbertson stated that the developer has applied for a demolition permit for the Steed home. The permit does not authorize the demolition of the adjacent old rock structure (cabin). The Historic Preservation Commission visited the site and took photos of the old home. It was recommended by **Council Member Hale** that the following line be removed from Paragraph v. on page 5 of the Development Agreement:

"The Preservation Easement for the Rock Building shall be recorded before the City releases the public improvements bond for the Project prior to the commencement of the warranty period for these improvements."

Sid Young suggested that members of the Steed family be informed that the demolition of the Steed home has been scheduled.

Max Forbush stated that the developer will provide the City with a letter verifying that they have contacted the members of the Steed family.

PROPOSED AMENDMENTS TO TITLE 3, FARMINGTON CITY ORDINANCES (Agenda Item #13)

Mayor Harbertson pointed out that the most significant changes to the Ordinance appear in "Chapter 3-03- Boards and Committees". The Ordinance will include the amendments that were discussed during the work session, including the correction of the typo which was found on Page 13.

Motion

Rick Dutson moved that the City Council approve ORDINANCE NO. 2007-04, AN ORDINANCE AMENDING AND RECODIFYING TITLE 3 OF THE FARMINGTON CITY MUNICIPAL CODE REGARDING ADMINISTRATION. **Larry Haugen** seconded the motion, which passed by unanimous vote.

The City Council agreed to consider Agenda Item #18 prior to Agenda Item #14.

REVIEW OF DAVE DIXON'S LETTER WITH REGARDS TO HISTORIC HOUSE IN "OLD FARM" (Agenda Item #18)

Mayor Harbertson reviewed the letter that the City received from **Dave Dixon** requesting guidance as to what the developer should do with the old Potter residence.

Mr. Dixon stated that according to the information he has been given, the home is only historically significant because of its age. The old home is not viable with a residential or commercial use.

Mayor Harbertson said the Council has the following options regarding the old home:

- Consider relocating and restoring the old home.
- Restore the old home in its existing location.
- Request that the developer make a contribution to the Historic Preservation Commission in exchange for the old home being removed.
- Allow the home to be demolished without a donation to the Historic Preservation Commission.

The Council discussed the future of the old home and agreed that the Historic Preservation Commission should offer a recommendation. It was suggested by **Council Member Hale** that if the old home is demolished, the developer could construct a new building with the same appearance as the old home.

RESOLUTION ESTABLISHING "FARMINGTON NEWS" NEWSLETTER POLICIES/RESOLUTION AMENDING CITY CONSOLIDATED FEE SCHEDULE PERTAINING TO CHARGES FOR ADVERTISING IN CITY NEWSLETTER (Agenda Item #14)

Mayor Harbertson said the City Attorney recommends the amendments, including the language that the business card advertisements shall not exceed a certain size. Jill Swain agreed to the recommendations that were given by the City's legal counsel.

Motion

Sid Young moved that the City Council approve RESOLUTION 2007-05, RESOLUTION OF FARMINGTON CITY ESTABLISHING POLICIES PERTAINING TO CITY PUBLISHED NEWSLETTER KNOWN AS "FARMINGTON NEWS" . **Larry Haugen** seconded the motion, which passed by unanimous vote.

Sid Young moved that the City Council approve RESOLUTION 2007-06, A RESOLUTION OF THE FARMINGTON CITY COUNCIL AMENDING THE CONSOLIDATED FEE SCHEDULE RELATING TO ADVERTISING SPACE IN THE FARMINGTON CITY NEWSLETTER. **Larry Haugen** seconded the motion, which passed by unanimous vote.

RESOLUTION AUTHORIZING CITY MANAGER TO HEAR AND SETTLE MINOR UTILITY BILLING DISPUTES (Agenda Item #15)

Mayor Harbertson reviewed the Resolution which includes a provision which authorizes the City Manager to hear minor utility bill disputes from City utility customers, so long as the disputes involve claims of \$250 or less.

Motion

Rick Dutson moved that the City Council approve RESOLUTION NO. 2007-07, A RESOLUTION AUTHORIZING THE CITY MANAGER TO HEAR MINOR UTILITY BILLING DISPUTES AND SETTING FORTH CERTAIN POLICIES AND PROCEDURES REGARDING THE SAME. **Paula Alder** seconded the motion, which passed by unanimous vote.

Rick Dutson pointed out that the utility customers have the right to appear before the City Council to appeal a decision made by the City Manager.

ORDINANCE PROVIDING FOR "ALTERNATES TO PLANNING COMMISSION AND BOARD OF ADJUSTMENTS" - 1ST READING (Agenda Item #16)

The City Council reviewed the Ordinance and discussed whether the alternates should have voting rights.

Planning Commission Chairman, **Jim Talbot**, said he would prefer that the alternates only listen to the discussions if they are not filling in for one of the Planning Commissioners. It would be appropriate for the Commission to ask questions of the alternates if they are experienced in the field that is being discussed. He is not opposed to the alternates making comments as part of the public hearing.

The City Council agreed to follow the recommendation made by **Mr. Talbot**.

ELKS CLUB “CITIZEN OF THE YEAR” INVITATION (Agenda Item #17)

The City Council discussed the possible nominees for the “Citizen of the Year”. It was agreed that George Chipman should be nominated unless he has been chosen in the past, in which case, the Council nominates Mary Dean or as second choice, Alys Revell.

MAYOR HARBERTSON’S REPORT (Agenda Item #19)

Mayor Harbertson reported that he received a letter from the Division of State Parks and Recreation who is forming a committee to update the resource management plan at Antelope Island. The City Council recommended different individuals from the City to serve on the committee.

Mayor Harbertson reported on the following items:

- **Mayor Harbertson** met with Don Hokanson to discuss the future of the HHI building.
- **Mayor Harbertson** met with representatives for Russon Brothers Mortuary to discuss the possibility of having them locate new ground for a cemetery. They also discussed the possibility of Russon Brothers Mortuary working with the City in a public/private venture.
- **Mayor Harbertson** will meet with Theodore Thatcher, an environmental specialist, to discuss the procedures for encouraging the cleaning of Shepard Creek in west Farmington between the Union Pacific and Denver & Rio Grande Railroad rights of way.
- **Mayor Harbertson** reminded the Council members that the Local Officials’ Day at the Legislature will be January 17, 2007.

The City Council discussed the Youth City Council retreat which will be held at the Homestead. It was suggested that the Youth City Council develop a budget for the upcoming year to be approved by the City Council.

CITY COUNCIL REPORT (Agenda Item #20)

Rick Dutson reported on the following items:

- The City should be aware that the State of Utah requires that Notices of Commencement of building projects be generated by the City on any permitted project and must be done in a timely manner.
- **Rick Dutson** asked that the Council consider forming a team to participate in the “Relay for Life” event.

The City Council offered names of individuals who may be interested in creating participating teams for the “Relay for Life” event.

- **Rick Dutson** requested that City staff investigate the hold up on the permit for work on the Bukoos' property.
- **Rick Dutson** reported that Andrea Opfar is likely moving in June, 2007.

MISCELLANEOUS

Emergency Preparedness Fair Coordinator

The City Council, by consensus, appointed Jeff Midgley as the Emergency Preparedness Fair Coordinator.

Change Order on Utility Adjustments that relate to the Legacy Highway Construction

Max Forbush reviewed a "Change Order" with Claude H. Nix Construction Company who is doing utility work in relation to the Legacy Highway. The State of Utah will reimburse the City for funds that are spent by the City on this project.

Motion

David Hale moved that the City Council approve the Change Order, as outlined, as it pertains to utility work being performed in the Legacy Highway right of way. **Paula Alder** seconded the motion, which passed by unanimous vote.

Garbett Homes Development Agreement - Amendment #1

Max Forbush stated that as part of the amendment to the Garbett Homes Development Agreement, Garbett Homes agreed to hire CRS Engineers to work with UDOT regarding the access out to the Frontage Road. Garbett Homes is now proposing that they be allowed to use their own engineer which would require another amendment to the Development Agreement

David Hale said he prefers that Paul Hirst be involved in the process to ensure that there is a good thoroughfare.

Jim Talbot pointed out that regardless of which engineer is hired by Garbett Homes, the road system will have to meet UDOT's requirements.

Motion

David Hale moved that the City Council authorize the amendment to the Development Agreement, allowing Garbett Homes to use their own engineering services, with Paul Hirst overseeing the progress. **Larry Haugen** seconded the motion, which passed by unanimous vote.

Weber Basin Appraisal Report

Max Forbush stated that the City received the appraisal report from Weber Basin on the land the City wants to purchase for a Police Station. He and the Mayor will meet with the General Manager of Weber Basin in an attempt to negotiate an offer for the property since the appraised value is not acceptable.

Fiber Optic Conduit

Max Forbush said Keith Johnson has been working with Davis County regarding the fiber optic conduits on State Street. The City wanted to extend the conduit to their shop as part of the Legacy Highway construction, but due to time constraints, the Legacy Highway team will not be able to run the conduit.

The City Council agreed that the infrastructure should be installed when possible. Mr. Forbush said he would bring details to the next City Council meeting.

ADJOURNMENT

David Hale moved that the City Council adjourn the meeting and convene into a Redevelopment Agency meeting at 9:20 P.M. **Larry Haugen** seconded the motion, which passed by unanimous vote.

Margy Lomax, City Recorder
Farmington City